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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,597	06/27/2003	Erik Busking	11	2274

7590 02/08/2006

Ryan, Mason & Lewis, LLP
Suite 205
1300 Post Road
Fairfield, CT 06824

EXAMINER

TRAN, TUAN A

ART UNIT PAPER NUMBER

2682

DATE MAILED: 02/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/608,597

Applicant(s)

BUSKING, ERIK

Examiner

Tuan A. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-9 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-9 of U.S. Patent No. 6,442,382.

Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 1-9 of the U.S. Patent No. 6,442,382 cover similar scopes, as specified in claims 1-9 of the instant application, with various wordings.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hornak et al. (5,678,222) in view of Lindqvist et al. (5,530,929).

Regarding claim 1, Hornak discloses a communication system (a receiver) with variable filter bandwidth (See figs. 12, 18) comprising: a first mixer circuit 123, 127, 133 disposed within a high frequency integrated circuit having input ports configured to receive a first communication signal and shift the frequency range of the first communication signal to a first frequency range; a second mixer 123, 127 disposed within the high frequency integrated circuit having input ports configured to receive the first communication signal and shift the frequency range of the first communication signal to a second frequency range; an activation circuit 129, 135 coupled to the first and second mixer circuits so as to provide an activation signal that selectively activates any one of the mixer circuits; first and second filter circuits 205, 207 each configured to receive a signal from the first and second mixer circuits, when a corresponding one of the mixer circuits is activated and to provide a signal to a low frequency integrated circuit; and wherein when one of the mixer circuits is activated, the remaining mixer circuit does not generate an output voltage signal (See figs. 5A, 12, 18 and col. 9 lines 36-65, col. 12 lines 29-64, col. 18 line 44 to col. 19 line 10). However, Hornak does not mention that an amplifier coupled to the first and second mixer circuits for providing the first communication signal to the first and second mixer circuits. Since receiver having an amplifier coupled to a mixer circuit for providing amplified communication signal to

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the mixer circuit is common in the art as shown by Lindqvist (See fig. 2); therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching of Lindqvist in configuring the system, as disclosed by Hornak, with an amplifier coupling to the mixer circuits for the advantage of improving the sensitivity of the system.

Claim 6 is rejected for the same reasons as set forth in claim 1, as method.

Regarding claim 2, Hornak & Lindqvist disclose as cited in claim 1. Hornak further discloses the first and second frequency ranges are substantially the same (See col. 9 lines 62-65).

Claim 7 is rejected for the same reasons as set forth in claim 2, as method.

Regarding claims 3-4, Hornak & Lindqvist disclose as cited in claim 1. Hornak further discloses the filter circuits are bandpass filters wherein the frequency characteristics of the bandpass filters are different from each other (See col. 9 lines 62-65, col. 18 lines 60-63).

Claim 8 is rejected for the same reasons as set forth in claim 3, as method.

Regarding claim 5, Hornak & Lindqvist disclose as cited in claim 1. Hornak further discloses the termination impedance of the output stage of each of the mixer circuits substantially matches the termination impedance of the input stage of each one of the bandpass filters (See col. 19 lines 3-7).

Claim 9 is rejected for the same reasons as set forth in claim 5, as method.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Kato et al. (6,032,032) ; Nakayama et al. (6,175,746) ; Schittko et al. (4,112,375) ; Collier et al. (5,052,050) ; Ward et al. (4,736,390); Dobrovolny (5,280,648).

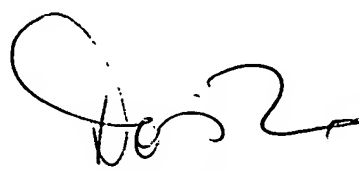
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan A. Tran whose telephone number is (571) 272-7858. The examiner can normally be reached on Mon-Fri, 10:00AM-6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To can be reached on (571) 272-7629. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Tuan Tran


DORIS H. TO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

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